

REMARKS

Upon entry of this paper, claims 1, 2, 5, 6, 11, 19, and 32 have been amended, claims 7, 18, 28, and 35 have been canceled, and no claims have been added as new claims. Thus, claims 1-6, 8-17, 19-27, and 29-34 are presently pending in this application. No new matter has been added. The cancellation of claims 7, 18, 28, and 35 should in no way be construed to be an acquiescence to any of the rejections stated. Claims 7, 18, 28, and 35 are being canceled solely to expedite the prosecution of the present application. Applicants reserve the option to further prosecute the same or similar claims in the instant or a subsequent patent application.

Applicants gratefully thank the examiner for the indication of allowability of claims 2, 5, 6, 7, 21, and 33-35 if rewritten according to the suggestions stated in the official action. In accordance with the Examiner's suggestions, Applicants have cancelled claims 7, 18, 28, and 35 all claiming similar subject matter, and incorporated the same subject matter into the independent claims 1, 11, 19, and 32, when it did not already exist, thus making all remaining claims allowable as detailed below.

The amendments submitted herewith are similar to those submitted in Applicants Response (Amendment C) submitted on August 19, 2003, and additionally include language from claim 35 in claim 1. Applicants respectfully submit that independent claims 11, 19, and 32 presently contain similar language to claim 35, and thus were not further amended.

It should be noted that the elements that are removed from the claims in the present amendment are elements that were not present in the claims when the Examiner indicated the allowability of claims 7 and 35 in the Office Action mailed January 7, 2003. Thus, the removal of the "electronic component" element simply returns the claim to a state that is closer to a previously allowable version.

The Advisory Action indicates that all claims would be allowable if the independent claims were amended to include the features of claim 35. Essentially, the features in claim 35 include a component tray, a fastener securing the component tray to a component rack, and a sliding security plate covering the fastener to prevent access. Amended claim 1 now includes "A locking cover for a component rack having a component tray secured to the component rack by a fastener" and "wherein said sliding security plate covers said fastener to prevent access to said fastener". See amended claim 1. Claims 11, 19, and 32 also include these features, or variations of these features, thus the features of claim 35 can be found in each of the pending independent claims. Therefore, Applicants believe they have complied with the Examiner's suggestions as stated in the Advisory Action, and the most recent Office Action.

As such, Applicants believe the pending claims to be in condition for Allowance. Reconsideration and withdrawal of the pending rejections is respectfully requested. Applicants provide remarks below concerning the outstanding rejections in addition to the above-noted amendments.

If the amendments submitted herewith do not place the application in condition for allowance, Applicants respectfully request a telephone interview with the Examiner to address any outstanding issues.

Claim Rejections under 35 U.S.C. §102

Claim 1

Claim 1 was rejected under 35 U.S.C. §102 as being anticipated by US Patent No. 2,819,692 to Johnson (Johnson '692). Claim 1 has been requested to be amended to more clearly identify the claimed invention in accordance with the Examiner's suggestion for allowable subject matter. Applicants further distinguish the claimed invention according to the following remarks.

Johnson '692 fails to disclose "A locking cover for a component rack having a component tray . . ." *See* amended claim 1. Johnson '692 is directed toward a safe deposit receptacle, not a component rack. Johnson '692 further fails to disclose a ". . . locking cover [that] can serve as a handle for pulling and pushing the component tray . . ." *See* amended claim 1.

Absent such claimed elements, there can be no anticipation of claim 1. Applicants therefore respectfully request reconsideration and withdrawal of this rejection.

Claims 11, 12, 14, 18, 19, 20, 24, 25, 28, and 32

Claims 11, 12, 14, 18, 19, 20, 24, 25, 28, and 32 were rejected under 35 U.S.C. §102 as being anticipated by US Patent No. 4,401,247 to Zoor (Zoor '247). Claims 11, 19, and 32 have been requested to be amended to more clearly identify the claimed invention in accordance with the Examiner's suggestion for allowable subject matter. Applicants further distinguish the claimed invention according to the following remarks.

Zoor '247 is directed toward a luggage rack fastening device for automobiles. As such, Zoor '247 does not disclose a ". . . locking system for a component rack . . ." (*see* claims 11 and 19), or a ". . . method of securing a tray within a component rack . . ." (*see* claim 32). In addition, Zoor '247 fails to disclose that the ". . . locking cover can be utilized as a handle to position said at least one tray within said component rack." *See* claim 11, *see also* claim 19 and claim 32.

Absent such claimed elements, there can be no anticipation of claims 11, 19, or 32. Applicants therefore respectfully request reconsideration and withdrawal of this rejection

Independent claims 1, 11, 19, and 32, and therefore all claims depending therefrom are allowable because they have been amended to better point out and distinctly claim the feature of the cover serving as a handle for pushing and pulling the component tray into and out of the component rack, and the feature of the sliding security plate preventing access to the fastener. Support for the amended language can be found in the claims as originally presented, such that the addition of new matter has been scrupulously avoided.

Accordingly, applicants respectfully submit that the claims of the present invention are allowable over the cited documents, and such action is kindly requested.

Claim Rejections under 35 U.S.C. §103

Claim 3 was rejected under 35 U.S.C. §103 as allegedly being unpatentable over Johnson '692 in view of US Patent No. 5,865,043 to Loughlin. Claim 4 was rejected under 35 U.S.C. §103 as allegedly being unpatentable over Johnson '692 in view of US Patent No. 5,410,897 to Edmondson. Claims 8-10 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Johnson '692. Claim 17 was rejected under 35 U.S.C. §103 as allegedly being unpatentable over Zoor '247. Claims 15 and 22 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Zoor '247 in view of US Patent No. 5,865,043 to Loughlin. Claims 16 and 23 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Zoor '247 in view of US Patent No. 5,410,897 to Edmondson. Claims 13, 26, 27, and 29-31 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Zoor '247.

Independent claims 1, 11, 19, and 32 have been requested to be amended to more clearly identify the present invention in accordance with the Examiner's suggestions.

As previously stated, neither Johnson '692, nor Zoor '247 discloses, teaches, or suggests all elements of the claimed invention according to the above amended claims.

Absent such claimed elements, Applicants respectfully submit that claims 1, 11, 19, and 32 are novel and non-obvious in view of the cited references. Dependent claims 2-6, 8-10, 12-17, 20-27, 29-31 and 33-34 are also allowable based on their dependency on the aforementioned independent claims in addition to their own claimed characteristics. Applicants further submit that all pending claims of the present invention are not obvious with respect to, and are therefore allowable over, the cited document.

Applicants respectfully submit that unless a *prima facie* case of unpatentability with respect to known facts is established, applicants are not obliged to proffer any evidence of nonobviousness. To establish a *prima facie* case there must be some suggestion or motivation, either in the prior art or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine multiple reference teachings. There must then be a reasonable expectation of success. Finally, the prior art reference or references (when combined) must teach or suggest all the claimed limitations.

Based on the above remarks, and on the indication by the Examiner that the amendments made herein will place the application in condition for allowance, Applicants believe the present application to be allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that this application is now in condition for allowance. Applicants courteously solicit allowance of the claims in the form of a Notice of Allowance. Should there be any outstanding issues of patentability following the entry of this response, a telephone interview is respectfully requested to resolve such issues.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP



By: Sean D. Detweiler
Reg. No. 42,482
Attorney for Applicants

28 State Street
Boston, MA 02109-1784
Tel: (617) 227-7400
Fax: (617) 742-4214

Date: October 20, 2003